

1 BILL NO. S-87-10-13

2 SPECIAL ORDINANCE NO. S-265-87

3 AN ORDINANCE approving the Contract
4 for Res. 6105-87, Lower Huntington
5 Road and Bluffton Road Intersection,
6 between the City of Fort Wayne,
7 Indiana and Wayne Asphalt & Con-
8 struction Co., in connection with
9 the Board of Public Works and Safety.

10 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
11 OF THE CITY OF FORT WAYNE, INDIANA:

12 SECTION 1. That the annexed Contract for Res. 6105-87,
13 Lower Huntington Road and Bluffton Road Intersection, between
14 the City of Fort Wayne, by and through its Board of Public Works
15 and Safety, and Wayne Asphalt & Construction Co., is hereby ratified,
16 and affirmed and approved in all respects. The work under said
17 Contract requires:

18 the improvement of the following:
19 BASE BID: Lower Huntington Road &
20 Bluffton Road Intersection: (a)
21 storm drainage; (b) partial corner
22 wingwalk replacements; (c) overlay
23 of H.A.C. Asphalt. ALTERNATE I:
24 Lower Huntington Road from station
25 1+40 to a point 170 ft. east thereof:
26 (a) Storm drainage;

27 the Contract price is Seventy Thousand Two Hundred Thirty-Two
28 and 50/100 Dollars (\$70,232.50).

29 SECTION 2: Prior Approval is being requested from
30 Common Council, with respect to this Contract, on October 13,
31 1987. Two (2) copies of the Contract, attached hereto, are on
32 file with the City Clerk, and are made available for public inspection
according to law.

SECTION 3. That this Ordinance shall be in full force
and effect from and after its passage and any and all necessary
approval by the Mayor.

Samuel J. Tolarico
Councilmember

APPROVED AS TO FORM
AND LEGALITY

Bruce O. Boxberger
Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Salvino
seconded by Stu, and duly adopted, read the second time
by title and referred to the Committee Public Works (and the Ci:
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Way:
Indiana, on _____, the _____ day of _____
19_____, at _____ o'clock _____ M., E.

DATE: 10-13-87.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Salvino
seconded by Stu, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>				
<u>BRADBURY</u>	<u>✓</u>				
<u>BURNS</u>	<u>✓</u>				
<u>EISBART</u>	<u>✓</u>				
<u>GIAQUINTA</u>	<u>✓</u>				
<u>HENRY</u>	<u>✓</u>				
<u>REDD</u>	<u>✓</u>				
<u>SCHMIDT</u>	<u>✓</u>				
<u>STIER</u>	<u>✓</u>				
<u>TRILARICO</u>	<u>✓</u>				

DATE: 10-27-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 265-87.
on the 27th day of October, 1987,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 28th day of October, 1987,
at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of October,
1987, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

NOTICE OF AWARD

TO: Wayne Asphalt & Const. Co., Inc.
6600 Ardmore Avenue
Fort Wayne, IN 46809

PROJECT DESCRIPTION Res. 6105-87 - Lower Huntington Rd. & Bluffton
Road Intersection (LR&S)

The OWNER has considered the BID submitted by you for the above-described WORK, in response to its advertisement for bids dated _____

You are hereby notified that your BID has been accepted for items in the amount of \$ 70,232.50 (Total & Alt. I)

You are required to furnish Contractor's Performance and Guaranty Bond, Payment Bond and Certificate of Insurance within ten (10) calendar days from the date of this Notice to you.

If you fail to execute said Agreement and to furnish said bonds within ten (10) days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights, as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 7th day of Oct., 1987.

Win C. Moses, Jr. Mayor

J. Adams
Contract Compliance
ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD
is hereby acknowledged by

Title _____

OWNER
City of Fort Wayne

By [Signature]
Baron R. Biedenweg
Title Director

[Signature]
Cosette R. Simon, Member

Gregory A. Purcell, Member

PROJECT 1340-FTON RD. INT. BASE BID ANALYSIS SHEET

DATE 10/5/87 RES. NO. 6105-87

OFFICE OF CITY ENGINE FORT WAYNE INDIANA

CONTRACTORS

STREETS - ALLEYS - SIDEWALKS
JUAN UNIT MATERIAL

ESTIMATE

EXTENSION

WAYNE ASPHALT & CONST. CO., INC.
UNIT BID TOTAL BID

MOELLER ENGINEERING
CONST. CO., INC.
UNIT BID TOTAL BID

S.E. JOHNSON
COMP. INC.
UNIT BID TOTAL BID

RIETH-RILEY
CONST. CO., INC.
UNIT BID TOTAL BID

600	5/1	PAVEMENT REMOVAL	6.00	3600.00	4.75	2850.00	4.95	2970.00	5.30	3180.00	12.00	7200
350	5/1	H.A.C. #50 BASE	28.00	9800.00	23.00	8050.00	30.51	10678.50	23.00	8050.00	25.00	8750
225	TON	H.A.C. #11 SURFACE	29.00	6525.00	25.00	5625.00	36.03	8106.75	44.00	9900.00	28.00	6300
180	TON	H.A.C. "B" SURFACE	30.00	5400.00	30.00	5400.00	37.21	6708.00	44.00	7920.00	35.00	6300
1	TON	JOINT & CRACK SEALANT	750.00	750.00	675.00	675.00	1453.88	1453.88	560.00	560.00	1500.00	1500
6	EACH	WATER VALVES ADJUST	100.00	600.00	105.00	630.00	36.41	218.82	175.00	1050.00	100.00	600
2	EACH	M.H.'S ADJUST TO STD.	200.00	400.00	205.00	410.00	175.54	351.08	350.00	700.00	300.00	600
1	EACH	C.B. ADJUST TO STD.	200.00	200.00	225.00	225.00	207.83	207.83	325.00	325.00	300.00	300
150	S/F	CURBFACE WALK 6"	3.50	1575.00	2.65	1192.50	4.96	2232.00	4.00	1800.00	6.00	2700
150	S/Y	SEEDING, MUCK & FERT.	1.25	187.50	1.00	150.00	2.31	346.50	2.30	345.00	1.50	225
1	1/5	MAINT. OF TRAFFIC	5000.00	5000.00	2500.00	2500.00	4317.83	4317.83	3500.00	3500.00	15000.00	15000
4	EACH	JACKETS TYPE II	800.00	3200.00	700.00	2800.00	818.40	3273.60	1050.00	4200.00	1000.00	4000
2	EACH	M.H. TYPE II	1200.00	2400.00	1485.00	2970.00	1068.97	2137.94	1150.00	2300.00	1800.00	3600
175	1/12	R.C.P.	11.00	5225.00	25.00	11875.00	30.14	14316.50	30.00	14250.00	38.00	18050
300	TON	#53 SPECIAL BACKFILL	15.00	3000.00	8.30	1660.00	8.98	1796.00	6.00	1800.00	15.00	3000
23	TON	TOP SOIL	17.00	391.00	11.00	253.00	30.52	701.96	18.00	276.00	25.00	575
300	1/12	GRAVANIZED STEEL CONDUIT (2") COMPLETE IN PLACE	11.00	3300.00	4.00	1200.00	2.80	840.00	5.50	1650.00	10.00	3000
BASE TOTAL				51553.50		48465.50		60657.79		61206.00		81700
M.H. #1 TOTAL				14934.00		21767.00		23081.94		23464.00		29485
GRAND TOTAL				69487.50		70232.50		83739.73		84670.00		111185

NEWARK, N.J. 07102
BUREAU OF INT.
PROJECT

BID ANALYSIS SHEET

OFFICE OF CITY ENGINEER

DATE 10/5/87 RES. NO. 6105-87 MATERIAL 4304421 FORT WAYNE INDIANA

CONTRACTORS

STREETS--ALLEYS--SIDEWALKS
IAN UNIT MATERIAL

ESTIMATE

EXTENSION

UNIT BID	TOTAL BID

UNIT BID	TOTAL BID

UNIT BID	TOTAL BID

UNIT BID	TOTAL BID

QTY	INCHES	TYPE II	800.00	3,200.00	700.00	2,800.00	818.42	3,273.50	1,050.00	4,200.00	1,300.00	4,800.00
4	EACH	INCHES TYPE II	800.00	3,200.00	700.00	2,800.00	818.42	3,273.50	1,050.00	4,200.00	1,300.00	4,800.00
0	TON	H.A.C. "8" SURFACE	40.00	2,000.00	30.00	1,500.00	37.27	1,863.50	62.00	3,100.00	50.00	3,500.00
45	K/EA	RCP 12"	11.00	2,695.00	25.00	6,125.00	26.48	6,487.60	30.00	7,350.00	45.00	11,025.00
00	TON	#53 SUEDEAK BAGGERS	15.00	1,500.00	8.30	830.00	8.98	898.00	6.00	600.00	20.00	2,000.00
00	S/Y	SEEDING MIXTURE FERT	1.25	125.00	1.50	150.00	2.31	231.00	2.30	230.00	2.00	200.00
20	TON	H.A.C. #7 BINDER	35.00	7,700.00	45.00	9,900.00	41.12	9,046.40	34.00	7,480.00	35.00	7,700.00
22	TON	CASD. PATCHING	17.00	714.00	11.00	462.00	30.52	1,281.84	12.00	504.00	30.00	1,260.00
		TOP SOIL										
		TOTAL		17,934.00		21,767.00		23,081.94		23,462.00		29,485.00

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B I D

CONTRACTOR: WAYNE ASPHALT & CONST. CO., INC.

PROJ: LOWER HUNTINGTON ROAD/BLUFFTON ROAD INTERSECTION RES. NO: 6105-87
BASE BID

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT COST ,\$)	AMOUNT (\$)
1.	Pavement Removal	600	SY	4.75	2,850.00
2.	H.A.C. #5D Base	350	SY	23.00	8,050.00
3.	H.A.C. #11 Binder	225	TON	25.00	5,625.00
4.	H.A.C. "B" Surface	180	TON	30.00	5,400.00
5.	Joint & Crack Sealer	1	TON	675.00	675.00
6.	Water Valves Adj. & Set to Grade	6	EA	105.00	630.00
7.	Man Holes Adj. & Set to Grade	2	EA	205.00	410.00
8.	Catch Basin-Adj. & Set to Grade	1	EA	225.00	225.00
9.	Curbface Walk 6"	450	SF	2.65	1,192.50
10.	Seeding, Mulch & Fertilizer	150	SY	1.00	150.00
11.	Maintenance of Traffic	1	LS	2,500	2,500.00
12.	Inlets Type II	4	EA	700.00	2,800.00
13.	M.H. Type II	2	EA	1485.00	2,970.00
14.	R.C.P. 12"	475	LF	25.00	11,875.00
15.	#53 Special Backfill	200	TON	8.30	1,660.00
16.	Top Soil	23	TON	11.00	253.00
17.	Galvanized Steel Conduit (2") (Complete in Place)	300	LF	4.00	1,200.00

TOTAL:

48,465.50

SHEET 1 OF 2

Note: Contractor will be paid on measured quantities only at unit price bid

version 1: 5/1/85

B I D

CONTRACTOR: WAYNE ASPHALT & CONST. CO., INC.

PROJ: LOWER HUNTINGTON ROAD/BLUFFTON ROAD INTERSECTION RES. NO: 6105-87
ALTERNATE I

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT COST (\$)	AMOUNT (\$)
1.	Inlets Type II	4	EA	700.00	2,800.00
2.	H.A.C. "B" Surface	50	TON	30.00	1,500.00
3.	RCP 12"	245	LF	25.00	6,125.00
4.	#53 Special Backfill	100	TON	8.30	830.00
5.	Seeding, Mulch & Fertilizer	100	SY	1.50	150.00
6.	H.A.C. #9 Binder (Asphalt Patching	220	TON	45.00	9,900.00
7.	Top Soil	42	TON	11.00	462.00

TOTAL: 21,767.00

SHEET 2 OF 2

Note: Contractor will be paid on measured quantities only at unit price bid

In submitting this bid, it is understood, that the right is reserved by the Owner to reject any and all bids, and to waive any defect in any bid.

IN WITNESS WHEREOF, the bidder (a firm) by its owner(s) named below, hereunto set hand(s) and seal this _____ day of _____, 19____.

FIRM NAME _____

BY: _____

ADDRESS: _____

TELEPHONE: _____

IN TESTIMONY WHEREOF, the bidder (a corporation) has caused this proposal to be signed by its President and Secretary, and, affixed its corporate seal this 30th day of September, 1987.

WAYNE ASPHALT & CONST. CO., INC.
NAME OF CORPORATION

BY: Craig A. Moyer
PRESIDENT Craig A. Moyer

ADDRESS: 6600 Ardmore Ave.

Fort Wayne, Ind. 46809

TELEPHONE: 219-747-7531

ATTEST:

Jane M. Bowers

NOTE 1:

Use this form, if Cashier's or Certified Check accompanies bid:

Enclosed herewith, find Cashier's or Certified Check for \$_____ being 5% of the maximum bid herein, made payable to:

THE CITY OF FORT WAYNE, INDIANA

the proceeds of which, are to remain the absolute property of said City, if _____

BIDDER

shall not within 10 days after Notice of Acceptance of the within bid, enter into a written Contract, and secure said contract by a Performance Bond, for the full amount of the Contract to the approval of the proper officials of said City.

NOTE 2:

Use this form, if Bidder's Bond accompanies bids.

Enclosed herewith, find a Bidder's Bond in an amount equal to five (5%) per cent of maximum bid herein, subject to the approval of the Board of Public Works and Safety, conditioned as follows:

That if the Board of Public Works and Safety shall award the Contract for said work, and, if _____

WAYNE ASPHALT & CONST. CO., INC.

BIDDER

shall enter into a Contract and furnish a 100% Performance Bond, as required, within ten (10) days from the date, he/she/it is notified of the acceptance of his/her/its bid, then the obligation of said bond shall be null and void; otherwise, to remain in full force and effect.

NON-COLLUSION AFFIDAVIT

The Bidder, by its Officers and

agents or representatives present at the time of filing this bid, being duly sworn on their oaths, say that neither they nor any of them have in any way, directly or indirectly, entered into any arrangement or agreement with any other bidder, or with any public officer of such City of Fort Wayne, Indiana, whereby such affiant or affiants or either of them, has paid or is to pay to such other bidder or public officer any sum of money, or, has given or is to give such bidder or public officer anything of value whatever, or such affiant or affiants or either of them has not directly or indirectly, entered into any arrangement or agreement with any other bidder or bidders, which tends to or does lessen or destroy free competition in the lettering of the Contract sought for by the attached bids, that no inducement of any form or character other than that which appears upon the face of the bid will be suggested, offered, paid or delivered to any person, whomsoever to influence the acceptance of the said bid or awarding of the Contract, nor has this bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner, any of the proceeds of the Contract sought by this bid.

Wayne Asphalt & Const. Co., Inc.

Craig A. Moyer
Craig A. Moyer, President

Subscribed and sworn to before me by Craig A. Moyer, President

this 30th day of September, 1987.

My Commission Expires:

April 5, 1991

Jane M. Bowers
Jane M. Bowers
NOTARY PUBLIC
Resident of Allen County, IN

Subscribed and sworn to before me by _____

this _____ of _____, 19____.

My Commission Expires: _____

NOTARY PUBLIC
Resident of _____ County, IN

Subscribed and sworn to before me by _____

this _____ day of _____, 19____.

My Commission Expires: _____

NOTARY PUBLIC
Resident of _____ County, IN

CERTIFICATE IN LIEU OF FINANCIAL STATEMENT

1, Craig A. Moyer, the President
Name
Position, the Wayne Asphalt & Const. Co., Inc.
Company

HEREBY CERTIFY:

1. That the Financial Statement of said Company, dated the 17th day of March, 19 87, now on file in the office of the Board of Public Works & Safety of the City of Fort Wayne, Indiana, which Financial Statement is by reference incorporated herein and made a part hereof, is a true and correct statement, and, accurately reflects the financial condition of said Company, as of the date hereof; and,
2. That I am familiar with the books of said Company, showing its financial condition and am authorized to make this Certificate on its behalf.

DATED September 30, 1987

Craig A. Moyer
Signature Craig A. Moyer
President
Title

SUBSCRIBED AND SWORN to before me, a Notary Public, in and for said
County and State, this 30th day of September, 19 87.

Jane M. Bowers
Jane M. Bowers
NOTARY PUBLIC
Resident of Allen County, IN

My Commission Expires:

April 5, 1987

MBE/WBE COMMITMENT FORM

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO THE MBE/WBE GOALS OF THE CITY FOR WORK DONE PURSUANT TO THIS CONTRACT:

- A. _____ The undersigned firm certifies that it is an MBE/WBE Contractor (cross out inapplicable provision).
- For MBE specify percentage of minority ownership ____%.
- For WBE specify percentage of women ownership ____%.
- B. _____ The undersigned certifies that they are a joint venture in which the following (MBE/WBE) firm (cross out inapplicable provision) is a joint venture partner.
- The MBE/WBE firm (cross out inapplicable provision), shall have ____% participation (employees) ____% participation (costs) in this project.
- Specify the percentage of minority/women ownership in the MBE/WBE firm ____%. (Cross out inapplicable provision.)
- C. The undersigned commits 7% of the total bid price as a subcontract to minority business enterprise participation. The MBE firms, which are proposed as subcontractors, are the following:

NAME OF FIRM	ADDRESS	TYPE OF WORK
1. Mergy Const.	2235 Butler Rd.	Structures & Concrete
2. Gaines Const.	217 W. Washington Ctr. Rd.	Structures
3.		

- D. The undersigned commits 2% of the total bid price as a subcontract to women business enterprise participation. The WBE firms, which are proposed as subcontractors are the following:

NAME OF FIRM	ADDRESS	TYPE OF WORK
1. Mergy Const.	2235 Butler Rd.	Structures & Concrete
2.		
3.		

E. Complete (1) and (2) below if participation goals of 7% MBE and 2% WBE have not been met.

1. My Company cannot meet the participation goals for the following reasons: _____

2. We have taken the following steps in an attempt to comply with these participation goals: _____

(Attach additional sheets as necessary.)

Contractor Wayne Asphalt & Const. Co., Inc. Contractor _____

By Craig A. Moyer By _____

Its Craig A. Moyer, President Its _____

"MINORITY/FEMALE HOURLY UTILIZATION"

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO MINORITY/FEMALE HOURLY UTILIZATION.

A. The undersigned firm certifies that it will employ and utilize minorities and females and/or will ensure that its subcontractors employ and utilize minorities and females, so that minorities and females will work at least 17% of the total hours worked on this project.

B. Complete (1) and (2) below if the hourly utilization figure set forth in "A" is less than 17%.

1. My Company and its subcontractors cannot meet the 17% minimum hourly utilization figure for the following reasons: _____

_____.

2. My Company has taken the following steps in an attempt to comply with the 17% hourly utilization figure:

(Attach additional sheets, if necessary.)

CONTRACTOR: WAYNE ASPHALT & CONST. CO., INC.

By: _____

Craig A. Moyer

Its: Craig A. Moyer, President _____

STREET BARRICADE MAINTENANCE INFORMATION

Listed below are the names and telephone numbers of the persons responsible for the maintenance of the barricades necessary for the duration of this contract.

<u>NAME</u>	<u>TELEPHONE NUMBER</u>
Craig A. Moyer	747-7531
Virg Walters	747-7531
Three Rivers Barricade	436-1611

Wayne Asphalt & Const. Co., Inc.
Contractor

Resolution No. 6105-87

It is the policy of Wayne Asphalt & Const. Co., Inc. that
(Company)

equal employment opportunity be afforded to all qualified persons without regard to race, religion, color, sex, or national origin.

In support of this policy Wayne Asphalt & Const. Co., Inc. will not
(Company)

discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin.

The Wayne Asphalt & Const. Co., Inc. will take affirmative action
(Company)

to insure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, sex, or national origin. Such action will include but not be limited to:

RECRUITMENT, ADVERTISING OR SOLICITATION FOR EMPLOYMENT, HIRING, PLACEMENT, UPGRADING, TRANSFER OR DEMOTION, SELECTION FOR TRAINING INCLUDING APPRENTICESHIP, RATES OF PAY OR OTHER FORMS OF COMPENSATION, LAYOFFS OR TERMINATION.

Wayne Asphalt & Const. Co., Inc.

(Name of Company)

Craig A. Moyer
(Signature of Company Official)

Craig A. Moyer, President

September 30, 1987

(Date)



6600 ARDMORE AVE. • ZIP CODE 46809 • PHONE (219) 747-7531

September 30, 1987

Office of Contract Compliance
One Main Street
City County Building Rm 800
Fort Wayne, IN 46802

1. Certificate of Non-Segregated Facilities
on file
2. Certification of Bidder/Vendor, Anti-Apartheid Ordinance
on file

Thank You

Craig A. Moyer
President

MEMBER



PLANTS AT

MAYSTONE-ARDMORE AVE.
FT. WAYNE, INDIANA

MEMBER



STONE STREET
POE, INDIANA

UNITED STATES FIDELITY AND GUARANTY COMPANY

Baltimore, Maryland
1896
(A Stock Company)

BID BOND

BOND NUMBER

KNOW ALL MEN BY THESE PRESENTS:

THAT WAYNE ASPHALT & CONSTRUCTION COMPANY, INC.
..... of Fort Wayne, Indiana
....., as Principal, and UNITED STATES FIDELITY AND
GUARANTY COMPANY, a Maryland corporation, as Surety, are held and firmly bound unto.....
Board of Public Works and Safety, City of Fort Wayne
as Obligee, in the full and just sum of.....
Five Per Cent (5%) of Maximum Bid----- Dollars,
lawful money of the United States, for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors,
administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said Principal is herewith submitting its proposal

Res. #6105-87; Lower Huntington Road and Bluffton Road
Intersection Improvement

THE CONDITION OF THIS OBLIGATION is such that if the aforesaid Principal shall be awarded the contract the said Principal will, within the
time required, enter into a formal contract and give a good and sufficient bond to secure the performance of the terms and conditions of
the contract, then this obligation to be void; otherwise the Principal and Surety will pay unto the Obligee the difference in money between
the amount of the bid of the said Principal and the amount for which the Obligee legally contracts with another party to perform the work
if the latter amount be in excess of the former, but in no event shall liability hereunder exceed the penal sum hereof.

Signed, sealed and delivered September 30, 1987
(Date)

WAYNE ASPHALT & CONSTRUCTION COMPANY, INC. (SEAL) INC.

Jane M. Bowers
YASTE, ZENT & RYE AGENCY, INC.

BY: David E. Wallin (SEAL)

Carol J. Keston

David E. Wallin
UNITED STATES FIDELITY AND GUARANTY COMPANY
Attorney-in-fact

CERTIFIED COPY

GENERAL POWER OF ATTORNEY

No.....97796.....

Know all Men by these Presents:

That UNITED STATES FIDELITY AND GUARANTY COMPANY, a corporation organized and existing under the laws of the State of Maryland, and having its principal office at the City of Baltimore, in the State of Maryland, does hereby constitute and appoint Gerald A. Dahle, John J. Pikel, Donald T. Belbutowski and Diane T. Green

of the City of Fort Wayne, State of Indiana,
its true and lawful attorneys in and for the State of Indiana

for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said UNITED STATES FIDELITY AND GUARANTY COMPANY, through us, its Board of Directors, hereby ratifies and confirms all and whatsoever ~~done~~ anyone of the said Gerald A. Dahle and the said John J. Pikel and the said Donald T. Belbutowski and the said Diane T. Green

may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said UNITED STATES FIDELITY AND GUARANTY COMPANY has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its Vice-President and Assistant Secretary, this 27th day of November, A. D. 1985

UNITED STATES FIDELITY AND GUARANTY COMPANY.

(Signed) By W. Bradley Wallace
Vice-President.

(SEAL) (Signed) John A. Umberger
Assistant Secretary.

STATE OF MARYLAND. }
BALTIMORE CITY, } ss:

On this 27th day of November, A. D. 1985, before me personally came W. Bradley Wallace, Vice-President of the UNITED STATES FIDELITY AND GUARANTY COMPANY and John A. Umberger, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said that they, the said W. Bradley Wallace and John A. Umberger were respectively the Vice-President and the Assistant Secretary of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their names thereto by like order as Vice-President and Assistant Secretary, respectively, of the Company.

My commission expires the first day in July, A. D. 1986..

(SEAL) (Signed) Margaret M. Hurst
Notary Public.

STATE OF MARYLAND }
BALTIMORE CITY, } Sct.

I, Sandra E. Banks, Clerk of the Circuit Court for Baltimore City, which Court is a Court of Record, and has a seal, do hereby certify that Margaret M. Hurst, Esquire, before whom the annexed affidavits were made, and who has thereto subscribed his name, was at the time of so doing a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and sworn and authorized by law to administer oaths and take acknowledgment, or proof of deeds to be recorded therein. I further certify that I am acquainted with the handwriting of the said Notary, and verily believe the signature to be his genuine signature.

In Testimony Whereof, I hereto set my hand and affix the seal of the Circuit Court for Baltimore City, the same being a Court of Record, this 27th day of November, A. D. 1985

(SEAL) (Signed) Sandra E. Banks
Clerk of the Circuit Court for Baltimore City.

COPY OF RESOLUTION

That Whereas, it is necessary for the effectual transaction of business that this Company appoint agents and attorneys with power and authority to act for it and in its name in States other than Maryland, and in the Territories of the United States and in the Provinces and territories of Canada;

Therefore, be it Resolved, that this Company do, and it hereby does, authorize and empower its President or either of its Vice-Presidents in conjunction with its Secretary or one of its Assistant Secretaries, under its corporate seal, to appoint any person or persons as attorney or attorneys-in-fact, or agent or agents of said Company, in its name and as its act, to execute and deliver any and all contracts guaranteeing the fidelity of persons holding positions of public or private trust, guaranteeing the performances of contracts other than insurance policies and executing or guaranteeing bonds and undertakings, required or permitted in all actions or proceedings, or by law allowed, and

Also, in its name and as its attorney or attorneys-in-fact, or agent or agents to execute and guarantee the conditions of any and all bonds, recognizances, obligations, stipulations, undertakings or anything in the nature of either of the same, which are or may by law, municipal or otherwise, or by any Statute of the United States or of any State or Territory of the United States or of the Provinces or territories of Canada, or by the rules, regulations, orders, customs, practice or discretion of any board, body, organization, office or officer, local, municipal or otherwise, be allowed, required or permitted to be executed, made, taken, given, tendered, accepted, filed or recorded for the security or protection of, by or for any person or persons, corporation, body, office, interest, municipality or other association or organization whatsoever, in any and all capacities whatsoever, conditioned for the doing or not doing of anything or any conditions which may be provided for in any such bond, recognizance, obligation, stipulation, or undertaking, or anything in the nature of either of the same.

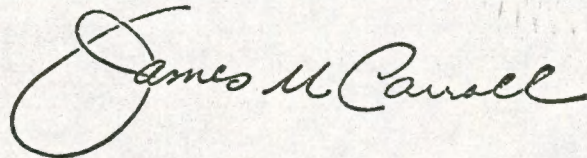
I, **James M. Carroll**, an Assistant Secretary of the UNITED STATES FIDELITY AND GUARANTY COMPANY, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney given by said Company to **Gerald A. Dahle, John J. Pikel, Donald T. Belbutowski and Diane T. Green**

of **Fort Wayne, Indiana**, authorizing and empowering **them** to sign bonds as therein set forth, which power of attorney has never been revoked and is still in full force and effect.

And I do further certify that said Power of Attorney was given in pursuance of a resolution adopted at a regular meeting of the Board of Directors of said Company, duly called and held at the office of the Company in the City of Baltimore, on the 25th day of November, 1981, at which meeting a quorum of the Board of Directors was present, and that the foregoing is a true and correct copy of said resolution, and the whole thereof as recorded in the minutes of said meeting.

In Testimony Whereof, I have hereunto set my hand and the seal of the UNITED STATES FIDELITY AND GUARANTY COMPANY on **September 30, 1987**

(Date)



.....
Assistant Secretary.

TITLE OF ORDINANCE Contract for Res. 6105-87, Lower Huntington Rd. & BlufftonRoad IntersectionDEPARTMENT REQUESTING ORDINANCE Board of Public Works & SafetySYNOPSIS OF ORDINANCE The Contract for Res. 6105-87, Lower Huntington
Road and Bluffton Road Intersection is for the improvement of the followingBASE BID: Lower Huntington Road & Bluffton Road Intersection:a) storm drainage b) partial corner wingwalk replacementsc) overlay of H.A.C. Asphalt Alternate I: Lower Huntington Road from
station 1+40 to a point 170 ft. east there of: a) Storm drainageWayne Asphalt is the contractor. PRIOR APPROVAL REQUESTED TONIGHTD-87-1013EFFECT OF PASSAGE Improvement of above locations

EFFECT OF NON-PASSAGE _____

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$70,232.50

ASSIGNED TO COMMITTEE _____

BILL NO. S-87-10-13

REPORT OF THE COMMITTEE ON PUBLIC WORKS

WE, YOUR COMMITTEE ON PUBLIC WORKS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the Contract

for Res. 6105-87, Lower Huntington Road and Bluffton Road

Intersection, between the City of Fort Wayne, Indiana and Wayne

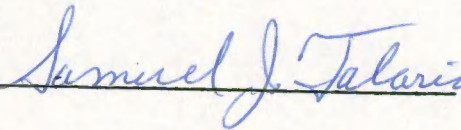
Asphalt & Construction Co., in connection with the Board of Public

Works and Safety

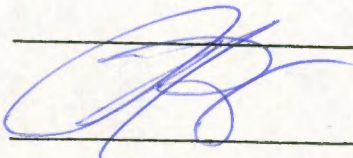
HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)XXX

YES

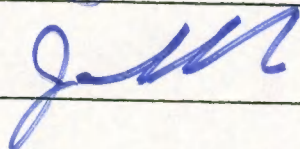
NO



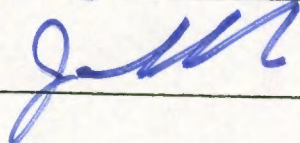
SAMUEL J. TALARICO
CHAIRMAN



JANET G. BRADBURY
VICE CHAIRPERSON



PAUL M. BURNS



JAMES S. STIER



CHARLES B. REDD

CONCURRED IN 10-27-87

SANDRA E. KENNEDY
CITY CLERK